



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

JUL 22 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Article No.: 7014 1200 0000 6124 7205

The Honorable Tom Eubank
Mayor, City of Severy
100 North Kansas Avenue
P.O. Box 128
Severy, Kansas 67137-3715

RE: Notice of Violation
Severy Public Water System
PWS ID No. KS2007308

Dear Mayor Eubank:

The Safe Drinking Water Act protects public drinking water supplies throughout the nation. Under the SDWA, the U.S. Environmental Protection Agency sets standards for drinking water quality and, with its state partners, implements various technical and financial programs to ensure drinking water safety.

The following Notice of Violation is issued pursuant to Sections 1414(a) of the SDWA, 42 U.S.C. §§ 300g-3(a), and is a coordinated effort with the Kansas Department of Health and Environment. According to our records and information received from the KDHE, the Severy public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations found at 40 Code of Federal Regulations Part 141. Specifically, our records indicate that your PWS exceeded the maximum contaminant limits for disinfection byproducts ("DBPs") under both the Stage 1 and Stage 2 DBP Rules found in 40 C.F.R. Part 141. Because the Kansas Department of Health and Environment has not yet obtained primacy to enforce the Stage 2 Disinfection Byproducts Rule, the EPA is responsible for enforcing compliance with the Rule.

If your system does not return to compliance or has not entered into an enforceable agreement with the State to resolve these violations within 30 days, the EPA is authorized either to issue an Administrative Order under Section 1414(g) of the SDWA requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.



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NOTICE OF VIOLATION

Background Information:

1. The City of Severy, Kansas owns and/or operates the Severy Public Water System, a “public water system” within the meaning of Section 1401(4) of the SDWA, 42 U.S.C. §300f(4), and 40 C.F.R. §141.2, located in Greenwood County, Kansas.
2. The Severy PWS is identified as Water System Number KS2007308. The PWS is a “person” as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
3. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, and/or has at least fifteen (15) service connections.
4. In July 2006 and August 2014, KDHE and the Severy PWS entered into Administrative Orders citing MCL exceedances for DBPs under the Stage 1 DBP Rule. The Orders required the System to come into compliance with the Stage 1 DBP Rule.
5. The PWS uses a surface water source, adds a chemical disinfectant(s) to the water, and provides filtration of the water as part of the drinking water treatment process and are therefore subject to the requirements of 40 C.F.R § 141 subpart H.

Findings of Violation:

6. The Stage 1 DBP Rule, 40 C.F.R. §141 Subpart L, requires PWSs to calculate running annual averages (“RAAs”) for total trihalomethanes (“TTHMs”) and haloacetic acids (“HAA5s”) using monitoring results collected and determine whether each RAA exceeds its MCL.
7. The Stage 2 DBP Rule, 40 C.F.R. § Subpart V, requires PWSs to calculate locational running annual averages (“LRAAs”) for TTHMs and HAA5s using monitoring results collected and determine whether each LRAA exceeds the MCL.
8. 40 C.F.R. §141.64 sets the MCL for TTHMs at 0.080 mg/L and HAA5s at 0.060 mg/L.
9. Based on information provided by KDHE, the Severy PWS failed to comply with the MCL for TTHMs and HAA5s since at least 2011 and is, therefore, in violation of both the Stage 1 and Stage 2 DBP Rules.
10. The Stage 1 DBP Rule at 40 C.F.R. § 141.135 requires that Systems that are subject to 40 C.F.R § 141 subpart H, and do not meet alternative compliance criteria, must achieve minimum percent reduction of Total Organic Carbon between the source water and the combined filter effluent, in order to reduce DBP precursors.
11. Based on information provided by KDHE, the Severy PWS failed to comply with the requirement to reduce TOC between the source water and combined filter effluent since at least 2011 and is, therefore, in violation of 40 C.F.R. § 141.135 of the Stage 1 DBP Rule.

12. 40 C.F.R. §141 subpart Q requires systems that violate provisions of the National Primary Drinking Water Regulations provide notice to persons served by the water system appropriate to the level of seriousness of the violation or situation and to any potential adverse health effects that may be involved, and to provide a copy of the notice to the primary enforcement agency, in accordance with the requirements under 40 C.F.R §141.31 (d).
13. Based on information provided by KDHE, the Severy PWS failed to comply with the public notification requirements of 40 C.F.R. §141 subpart Q on at least six occasions from 2014 to 2015, as follows:
 - a) Failure to provide public notice of violation of 40 C.F.R § 141.135 for reducing TOC for the period 4/1/2014 – 6/30/2014;
 - b) Failure to provide public notice of violation of 40 C.F.R § 141.135 for reducing TOC for the period 7/1/2014 – 9/30/2014;
 - c) Failure to provide public notice of violation of 40 C.F.R § 141.135 for reducing TOC for the period 1/1/2015 – 3/31/2015;
 - d) Failure to provide public notice of violation of 40 C.F.R § 141.135 for reducing TOC for the period 4/1/2015 – 6/30/2015;
 - e) Failure to provide public notice of violation of 40 C.F.R § 141.64 for exceeding the MCL for HAA5s for the period 4/1/2015 – 6/30/2015;
 - f) Failure to provide public notice of violation of 40 C.F.R § 141.64 for exceeding the MCL for TTHMs for the period 4/1/2015 – 6/30/2015
14. To date, the System has failed to comply with the terms of the KDHE Administrative Orders referenced in Paragraph 4.

The EPA understands that your PWS has been working with the KDHE to address these violations under the Stage 1 and Stage 2 DBP Rules, and may have funding available from the United States Department of Agriculture to address various drinking water projects. Within 21 days of your receipt of this letter, the EPA would like to meet with you and your consultant, along with the KDHE and USDA, to discuss your plans to come into compliance with the Stage 1 and Stage 2 DBP Rules. Please contact Mr. Scott Marquess at (913) 551-7131 to make arrangements for this meeting. You may also contact Mr. Marquess if you have questions about the above-referenced findings and violations, or if you are interested in receiving technical assistance to help address the findings and/or violations.

We trust that you recognize the importance of protecting public drinking water supplies. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Karen A. Flournoy". The signature is written in a cursive, flowing style.

Karen A. Flournoy

Director

Water, Wetlands and Pesticides Division

cc: Cathy Tucker-Vogel, Section Chief
Public Water Supply Section
KDHE